

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN LEOPOLDO FIORILLA, as Trustee FBO  
John Leopoldo Fiorilla Trust U/A/D 06-25-2003,

Plaintiff,

-against-

CITIGROUP GLOBAL MARKETS, INC. and  
EDWARD JAMES MULCAHY, JR.,

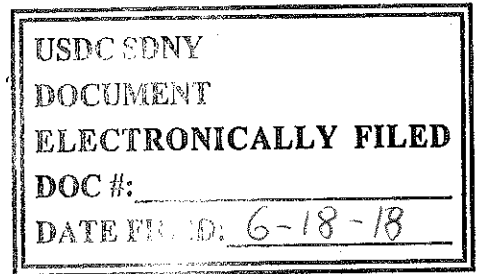
Defendants.  
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CASTEL, U.S.D.J.

On October 23, 2017, after defendants moved to dismiss the First Amended Complaint, the Court granted plaintiffs' motion for leave to file a Second Amended Complaint. (Docket # 26.) Defendants thereafter filed a motion to dismiss the Second Amended Complaint, which is sub judice. (Docket # 27.)

Based on the Court's review of the docket, however, it appears that plaintiff never filed a Second Amended Complaint. Only a Proposed Second Amended Complaint was filed, and was designated as a Notice of Motion. (Docket # 24.)

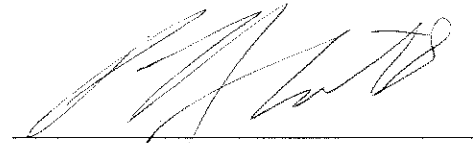
Plaintiff is directed to file his Second Amended Complaint upon receipt of this Order. Separately, the Clerk is directed to terminate defendants' motion to dismiss the First Amended Complaint (Docket # 16), which was made moot by the filing of the Second Amended Complaint.



17-cv-5123 (PKC)

ORDER

SO ORDERED.



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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
June 18, 2018